



April 8, 2021

VIA ELECTRONIC FILING

The Honorable Jocelyn G. Boyd
Clerk

South Carolina Public Service Commission

Attorneys at Law

Alabama
Florida
Georgia
Louisiana
Mississippi
South Carolina
Tennessee
Texas
Washington, DC

John J. Pringle, Jr.

Direct: 803.343.1270

E-Fax: 803.343.1238

jack.pringle@arlaw.com

RE: Cherokee County Cogeneration Partners, LLC v. Duke Energy Carolinas, LLC
and Duke Energy Progress, LLC, **Docket No. 2020-263-E**

Dear Jocelyn:

Cherokee Cogeneration Partners, LLC (“Cherokee”) requests that the Commission further extend the terms of PPA between the Parties during the pendency of the proceedings in this Docket.

Per the requirements of Order No. 2020-846, and as reported to the Commission on March 1st, the Parties and the South Carolina Office of Regulatory Staff participated in a mediation that was unsuccessful. Since that time, the Parties have been working on a proposed procedural schedule, and in fact have submitted a proposed procedural schedule to the Commission Staff. As such, in short order this matter will be scheduled for hearing, with a discrete and timeframe for a Commission determination of the issues in this Docket. Maintaining the terms of the PPA until that determination is therefore warranted and appropriate for the same reasons the Commission initially extended the PPA.

Cherokee has discussed this request with counsel for the Duke Entities and ORS, and understands that the Duke Entities and ORS do not support Cherokee’s request. These parties will certainly articulate their positions in a response to this letter.

However, the Commission has already ruled that “the Commission . . . shall reserve the right to consider whether or not it is appropriate to subject the rates charged and/or paid by any Party during this 120-day period to true-up.” Accordingly, the Commission would have the ability to reserve that right under any additional extension of the PPA, and in so doing allay any concerns about the rates to be paid under the PPA beyond January 1, 2021.

The Honorable Jocelyn G. Boyd
April 8, 2021
Page 2 of 2

Finally, Cherokee appreciates the scheduling challenges that all the parties and indeed the Commission Staff face, given the Act 62 proceedings and full Commission hearing calendar. However, making changes to the terms of the PPA (or indeed declining to extend the PPA at all) would be manifestly unfair to Cherokee, given that Cherokee is moving forward toward a hearing and a final determination in this matter.

Cherokee requests that the Commission further extend the terms of the PPA as described herein, and grant such other relief as is just and proper.

Very truly yours,

s/John J. Pringle, Jr.

John J. Pringle, Jr.

JJP

Cc: Frank R. Ellerbe, Esq. (via electronic mail)
Rebecca Dulin, Esq. (via electronic mail)
Jenny Pittman, Esq. (via electronic mail)

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2020-263-E**

**Cherokee County Cogeneration
Partners, LLC**

Complainant,

v.

**Duke Energy Progress, LLC and
Duke Energy Carolinas, LLC,**

Respondents.

CERTIFICATE OF SERVICE

This is to certify that I have caused to be served this day, one (1) copy of Cherokee County Cogeneration Partners' Letter to Jocelyn Boyd by e-mailing copies of same to Counsel at the following e-mail addresses:

Frank R. Ellerbe, III, Esq
Robinson Gray Stepp & Laffitte, LLC
fellerbe@robinsongray.com

Rebecca J. Dulin, Associate General Counsel
Duke Energy Carolinas, LLC
Duke Energy Progress, LLC
rebecca.dulin@duke-energy.com

Counsel for Duke Energy Carolinas, LLC and Duke Energy Progress, LLC

Jenny Pittman, Esquire
SC Office of Regulatory Staff
jpittman@ors.sc.gov

Counsel for the South Carolina Office of Regulatory Staff

s/ John J. Pringle, Jr.
John J. Pringle, Jr.

April 8, 2021.